

THE STATE USE LAW

63-56-423 Purchase of prison industry goods.

- (1) All public procurement units shall purchase goods and services produced by the Utah Correctional Industries Division as provided by this section, which is an exemption from this chapter. All political subdivisions of the state may purchase these goods and services and are encouraged to do so when feasible.
- (2) By July 1 of each year, the director of the Utah Correctional Industries shall publish and distribute to all state agencies and interested political subdivisions a catalog of goods and services provided by the Correctional Industries Division. The catalog shall include a description and Cost of each item offered for sale. The catalog shall be updated and revised during the year as the director deems necessary.
- (3) State departments, agencies, and institutions may not purchase any goods or services provided by the Correctional Industries Division from any other source unless it has been determined in writing by the director of Correctional Industries and the state procurement officer or in the case of institutions of higher education, the institutional procurement officer, that purchase from the Correctional Industries Division is not feasible due to one of the following circumstances:
 - (a) the good or service offered by the division does not meet the reasonable requirements of the purchasing agency;
 - (b) the good or service can not be supplied within a reasonable time by the division; or
 - (c) the cost of the good or service, including basic Cost, transportation costs, and other expense of acquisition, is not competitive with the cost of procuring the item from another source. In case of disagreement, the decision may be appealed to a board consisting of the director of the Department of Corrections, the director of Administrative Services, and a neutral third party agreed upon by the other two members or, in case of institutions of higher education, the president of the involved institution shall make the final decision.

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